

EXHIBIT 1

STATE OF VERMONT BOARD OF MEDICAL PRACTICE

In Re: Jodi L. Peister, M.D.

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Docket No. MPS 68-1000

STIPULATION AND CONSENT ORDER

NOW COMES Petitioner, the State of Vermont, by and through Attorney General William H. Sorrell, and alleges as follows:

1. Jodi L. Peister, M.D. (Respondent) holds Vermont Medical License Number 042-0009331, issued on July 3, 1996. Respondent practices in the field of psychiatry, identifying herself as a provider of "holistic" psychiatry.

2. Jurisdiction vests in the Vermont Board of Medical Practice (Board) by virtue of 26 V.S.A. §§1353, 1354, & 1398 and 3 V.S.A. §§129, 129a, & 814(c).

I.

3. The Vermont Board of Medical Practice opened investigation of this matter on October 10, 2000 following receipt of a complaint from a patient (hereinafter referred to as "Patient A") to whom Respondent Peister had recently provided psychiatric care, for a period that had lasted approximately two and one-half years. The complaint filed by Patient A alleged, inter alia, that Respondent Peister: (1) had engaged in a pattern of recurring violations of professional boundaries while caring for the patient; and (2) failed to provide treatment as needed by Patient A, while the patient was in Respondent's care. Such allegations were specifically articulated and detailed by the complaint.

4. Respondent has had the opportunity to review the complaint filed by Patient A. On January 4, 2001 Respondent provided a written response to the allegations by Patient A and also provided copies of some, but not all, of Patient A's treatment records. Respondent, with advice of counsel, also voluntarily met on January 4, 2001 with the Board's Chief Investigator and the undersigned Assistant Attorney General regarding the substance of the complaint, discussed the allegations therein, and answered questions regarding the care Respondent had rendered to Patient A and the physician-patient relationship between the two.

5. Respondent expressly has denied that she failed to provide treatment needed by Patient A. Respondent also has denied a number of other allegations made by Patient A in her complaint to the Board. Respondent, however, both orally and in writing, has admitted that many violations of professional boundaries occurred during her care of Patient A. Respondent admits that such violations of professional boundaries were improper, contrary to her training as a psychiatrist, and inconsistent with the required standard of patient care. Respondent expressly admits that while caring for Patient A, she entered into a close personal friendship and relationship with Patient A, socialized with Patient A at Respondent's home and elsewhere, and conducted frequent and lengthy social and personal telephone conversations with Patient A. Respondent admits that she intentionally entered into a close friendship and personal relationship with Patient A and also admits that she was aware that doing so was in violation of required professional boundaries.

6. Respondent Peister also admits having discussed aspects of her own personal life, in substantial detail, with Patient A, including discussion of Respondent's marital relationship and problems, Respondent's conflicts with her own family members, and Respondent's financial difficulties and debts. Respondent also admits to having socialized with Patient A at her home. Respondent also admits having socialized with other patients at her home on one occasion related to a holiday. Respondent also admits to having discussed other patients and their personal problems with Patient A, including verbally disclosing information regarding her "contracts" with patients and disclosing information in specific terms regarding Respondent's claimed "successes" and "breakthroughs" in treating other patients. Respondent, however, expressly denies having identified such patients by name to Patient A.

7. Respondent, as noted above, has admitted to committing numerous boundary violations, with regard to Patient A, during the period that Patient A was in her care. Respondent recognizes that such boundary violations, as set forth above, are serious and constitute unprofessional conduct on her part. Respondent, with advice of counsel, has personally reviewed and considered the allegations in this matter and has determined, knowingly and voluntarily, that it is now appropriate for her to agree to summary suspension of her license to practice medicine, subject to the terms set forth below, in light of the

seriousness of the allegations against her and so as to cooperate with and assist the Vermont Board of Medical Practice in its responsibility to protect the health, safety, and welfare of the public and protect the integrity of the medical profession.

8. Respondent agrees that provisions of this document are intended to arrange for the orderly suspension, at this time, of her practice activities in a manner that is intended to provide, to the greatest extent possible, for the current and future medical and psychiatric needs of Respondent's patients. Respondent wishes to ensure that such patients receive appropriate care and assistance with regard to their mental health needs.

II.

9. Respondent acknowledges that she is voluntarily agreeing to this Stipulation and Consent Order. She agrees and understands that by executing this document she is waiving any right, at this time, to be served with formal charges, to challenge the jurisdiction and continuing jurisdiction of the Board in these matters, to be presented with the evidence against her, to cross-examine adverse witnesses, and to offer evidence of her own to contest a motion for summary suspension by the State. 26 V.S.A. § 1356; 3 V.S.A. §§ 129, 809, & 814.

10. Respondent acknowledges that she has voluntarily met with representatives of the Vermont Board of Medical Practice and the Office of the Attorney General, and with advice of counsel, has made the admissions generally set forth above in Paragraphs 5 through 7. Thus, Respondent agrees that the Vermont Board of Medical Practice may adopt and enter Paragraphs 5 through 7, above, as findings of fact in this matter. Respondent agrees that the conduct set forth in Paragraphs 5 through 7, above, constitutes unprofessional conduct on her part and is in violation of 26 V.S.A. § 1354 and/or § 1398. Respondent agrees that her conduct imperatively requires emergency action to protect the public and that the Board may enter findings to this effect. Respondent agrees that the Board of Medical Practice may adopt and enter as its findings and/or conclusions the statements set forth in this paragraph and above.

11. Based on the above, Respondent now voluntarily agrees, pending further proceedings before or order of the Board of Medical Practice, pursuant to 26 V.S.A. §§ 1361, 1398; 3 V.S.A. § 129, to: (a) cooperate fully with any further investigation of this matter by the

Board of Medical Practice; (b) forthwith, take no new patients; (c) cease and desist, as of 5:00 p.m., January 12, 2001, from any and all practice of medicine in the State of Vermont or elsewhere, including examining, treating, advising, ordering for, or any prescribing of any kind for patients, associates, herself, family members, or others; (d) promptly surrender her Vermont medical license (both wall certificate and wallet card) to the Board, pending further action of the Board; (e) promptly communicate with and surrender to the Drug Enforcement Administration any license or authorization from that agency in her name as to the prescribing of controlled substances; and (f) accede to entry of an order by the Board of Medical Practice, retroactively effective to 5:00 p.m., January 12, 2001, summarily suspending Respondent's license to practice medicine, such order expressly applying to the practice of medicine, psychiatry, and/or any or all counseling or advising of patients or clients by Respondent.

12. Respondent agrees that prior to the above date and time she shall seek to communicate, by telephone or in person, with her current patients regarding the need for her to suspend her practice. Respondent agrees that she shall clearly inform her current patients that, as of 5:00 p.m., January 12, 2001, she shall no longer be able to provide them with medical or psychiatric care, including prescribing, in light of her voluntary decision to cease practice at that time. Respondent agrees to assist her patients, subject to the further conditions below, to obtain appropriate interim or transitional care for their mental health needs. Respondent expressly agrees to arrange for her patients, whether current or former, promptly to receive, upon their request, complete and legible copies of their medical and/or treatment records, as prepared by Respondent and which are in her possession or control.

13. Respondent agrees that no later than 5:00 p.m., January 15, 2001, she shall place in the United States Mail letters, individually addressed to each of her current patients, informing them that she has suspended her psychiatric practice and, therefore, that she is unavailable at this time to provide care in any form to them. Such letters shall also provide information to patients as to where they may receive interim, transitional, or crisis care for their mental health needs. Such letters shall inform patients that they or their designated treating professional may promptly obtain complete copies of their medical and/or treatment records as prepared by Respondent, upon their request to Respondent. Copies of all such

letters shall be promptly provided to the Vermont Board of Medical Practice. Respondent agrees that the Vermont Board of Medical Practice may review and approve the content of such letters prior to their printing and mailing to patients. The Vermont Board of Medical Practice agrees that it will endeavor to assist patients, within the limits of its resources and responsibilities, to locate new providers, sources of interim care, or crisis assistance.

14. Respondent further agrees that after 5:00 p.m., January 12, 2001, but before 5:00 p.m., January 17, 2001, she may continue to meet or speak with any former patients she has been previously unable to communicate with, so as to orally inform these patients that she has suspended her practice. Respondent agrees that in doing so she shall not engage in providing psychiatric, medical care, or counseling of any kind to such former patients, including prescribing, and shall not bill or charge for any such communications with these former patients. After 5:00 p.m., January 17, 2001, Respondent agrees to cease and desist from further communication with her former patients. Reasonable communications by Respondent which are limited only to those patients with outstanding balances, seeking payment for services previously rendered, shall not be deemed to be contrary to this paragraph.

15. Respondent agrees that she shall place a prominent "professional announcement" or advertisement in one or more newspapers of general circulation, to appear on at least three different days, beginning no later than January 13, 2001, and stating that Respondent has suspended (or closed) her practice as of 5:00 p.m., January 12, 2001, and that Respondent shall not be available for patient care until further notice after that date.

16. Respondent agrees to cooperate fully and faithfully in the future with the Board of Medical Practice with regard to participating in appropriate rehabilitative efforts, including, but not limited to, examination, evaluation (and related recommendations), treatment, follow-up care, personal therapy, counseling, monitoring, testing, and supervision.

17. Respondent shall bear all costs as to the above matters, without exception.

18. The parties agree that nothing contained herein shall limit the Board's authority to proceed, if deemed appropriate at a later date, pursuant to 26 V.S.A. §§ 1354,

1361, 1398; 3 V.S.A. § 129; and other relevant authorities. Respondent agrees that no promises have been made to her as to final disposition of this matter.

III.

19. The parties agree that this Stipulation and Consent Order shall be a public document, shall be made part of Respondent's licensing file, and may be reported to other licensing authorities. The parties agree that an order as to Summary Suspension of Respondent's license to practice medicine may be entered, retroactively effective to 5:00 p.m., January 12, 2001, subject to further proceedings or Board order in this matter. Nothing herein is intended to limit Respondent's right at a later date to present evidence or witnesses on her behalf or to require proof as to the allegations against her.

20. This Stipulation and Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. If the Board rejects any part of this document, the entire agreement shall be considered void. Respondent agrees to be bound by the terms and conditions of this Stipulation and Consent Order pending further proceedings before the Board of Medical Practice. Respondent agrees that the Board of Medical Practice shall retain jurisdiction to enforce the terms and conditions of this Stipulation and Consent Order. Respondent agrees that failure by her to abide by any of the terms and conditions of this Stipulation and Consent Order, specifically including, but not limited to, Paragraphs 10 through 16, above, shall constitute unprofessional conduct under 26 V.S.A. § 1354(25) and shall subject Respondent to such disciplinary action as the Board may deem appropriate, following evidentiary proceedings.

21. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board of Medical Practice, the Board may enter an order summarily suspending Respondent Peister's license to practice medicine, retroactive to 5:00 p.m., January 12, 2001, as provided for herein, and may enter as findings that protection of the public health, safety, and welfare imperatively requires such emergency action, with such order of summary suspension to continue until further proceedings or order of the Board.

Dated at Montpelier, Vermont, this 10th day of January 2001.

WILLIAM H. SORRELL
ATTORNEY GENERAL

by: James S. Arisman
JAMES S. ARISMAN
Assistant Attorney General

Dated at Williston, VT, this 10th day of January 2001.

Jodi L. Peister
JODI L. PEISTER, M.D.
Respondent

Dated at Montpelier, Vermont, this 10th day of January 2001.

Peter B. Joslin
PETER B. JOSLIN, ESQ.
Counsel for Respondent

FOREGOING, AS TO SUMMARY SUSPENSION OF MEDICAL LICENSE
IN RE: JODI L. PEISTER, M.D., MPS 68-1000
APPROVED AND ORDERED, VERMONT BOARD OF MEDICAL PRACTICE

Elizabeth A. Turner MD
John M. Maguire MD
Margaret H. Harris
Thomas J. Brown
Margaret Bell MD

DATED: January 17, 2001

ENTERED AND EFFECTIVE: January 12, 2001

Jodi L. Peister, M.D.: Stipulation and Consent Order, January 7, 2001 (REV. II) (NOT EFFECTIVE WITHOUT BOARD APPROVAL)

Office of the
ATTORNEY
GENERAL
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